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March 24, 2015

Via ECF

The Honorable Judge Alison J. Nathan
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
Courtroom 906
New York, NY 10007

Re: *220 Coster, LLC and B&M Linen Corp. d/b/a Miron & Sons Linen v. Massachusetts Bay Insurance Co.* 14-cv-7027 (AJN)

Dear Judge Nathan:

We represent Plaintiffs 220 Coster, LLC and B&M Linen Corp. in the above-referenced action. We write to request an informal conference with the Court to discuss compelling James L. Hennessey of Defendant Massachusetts Bay Insurance Company ("Hanover") to appear for a deposition pursuant to the Notice of Deposition served on Hanover's counsel in this matter.

Pursuant to the Court's Scheduling Order dated December 12, 2014, the parties must complete depositions and all fact discovery by April 10, 2015. Consistent with this Order, on March 6, 2015, we noticed the deposition of Mr. Hennessey for April 1, 2015. Mr. Hennessey is a key witness in this case, having handled the insurance claim at issue in this litigation for Hanover. Further, Mr. Hennessey prepared Hanover's interrogatory responses and is mentioned countless times in their document production. However, Hanover responded that Mr. Hennessey was unavailable on April 1. Accordingly, by letter dated March 10, 2015, we proposed three additional dates to conduct Mr. Hennessey's deposition. Thereafter, Hanover's counsel informed us that Mr. Hennessey would be unavailable until May 8, 2015 at the earliest because he is "fully booked".

On March 20, 2015 we met and conferred with Hanover's counsel wherein we confirmed that Hanover would not make Mr. Hennessey available for deposition until early May because of Mr. Hennessey's work commitments on other insurance claims. We reminded defense counsel that Hanover was under Court order to have its witnesses available for deposition prior to the close of fact discovery on April 10.

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Defense counsel stated that he would try to get a hold of Hanover's in-house-counsel on Monday, March 23, 2015, to see if they would make Mr. Hennessey available before the close of fact discovery. We stated that if Hanover would not agree by the close of business on Monday, March 23, to make Mr. Hennessey available for a deposition before the close of fact discovery, we would seek judicial intervention the following day. On March 23, defense counsel represented that he was "unable to speak with my client today so I do not have any new information for you on deposition scheduling."

In light of the foregoing, and the Court's order requiring Hanover to make its witnesses available for deposition by April 10, 2015, Plaintiffs respectfully request an informal conference to discuss compelling Mr. Hennessey to appear for a deposition at the location noticed in the Notice of Deposition on one of the following dates:

- April 1, 2015, at 9:30 a.m.
- April 2, 2015, at 9:30 a.m.
- April 3, 2015, at 9:30 a.m.
- April 6, 2015, at 9:30 a.m.
- April 7, 2015, at 9:30 a.m.

We are available to discuss this matter with the Court by conference call at Your Honor's convenience. Thank you for your consideration of this request.

Respectfully submitted,

/s/ Peter A. Halpin

Peter A. Halpin, Esq.

PAH

cc: John P. Malloy, Esq. (by ECF)